

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Scott Nicholas Rogers

v.

Case No. 16-cv-388-LM

NH State Prison, Warden

O R D E R

After due consideration of the objection filed (document no. 11), I herewith approve the Report and Recommendation of Magistrate Judge Andrea K. Johnstone dated December 16, 2016 (document no. 8), for the reasons set forth therein. The Petition is hereby dismissed for lack of subject matter jurisdiction. The Clerk of Court shall enter judgment in accordance with this order and close the case.

Additionally, finding that the petitioner has failed to make a substantial showing of the denial of a constitutional right, the court declines to issue a certificate of appealability. See 28 U.S.C. § 2253(c)(2); Rule 11, Rules Governing Habeas Corpus Cases Under Section 2254; First Cir. LR 22.0.

SO ORDERED.

  
Landya B. McCafferty  
United States District Judge

Date: February 3, 2017

cc: Scott Nicholas Rogers, pro se